



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, July 13, 2009

Commissioner Deidre Malone, Chairman
Commissioner Joyce Avery, Chairman Pro Tempore
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism
Commissioner George Flinn

Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Matt Kuhn
Commissioner Steve Mulroy
Commissioner Mike Ritz

7/10/2009 2:45 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Deidre Malone

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Reverend Marilyn S. Robinson
St. Andrew African Methodist Episcopal
Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session

May 11, 2009

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. Resolution of the Shelby County Board of Commissioners to recognize a posthumous financial gift of one thousand dollars from Mrs. Katherine Packer for the Packer Clinic housed at the Memphis and Shelby County Health Department. Sponsored by Commissioner Joyce Avery.

Ordinances

BUNKER
Chairman, Public
Works Committee

2. [ORDINANCE - SECOND READING - An ordinance to amend the Shelby County Code of Ordinances by adding a new Article VII, entitled "Storm Water Fund" to Chapter 30, "Storm Water Management and Pollution Control." Sponsored by Commissioner Sidney Chism.](#)

CHISM
Chairman, Law
Enforcement
Committee

3. [ORDINANCE - SECOND READING - Ordinance by the Board of Commissioners of Shelby County, Tennessee, establishing policies and procedures as required by Charter Section 5.23 for maintaining the continuity of government in the event of a disaster. Sponsored by Commissioner Wyatt Bunker.](#)

CHISM
Chairman, Law
Enforcement
Committee

4. [ORDINANCE - FIRST READING - An Ordinance to amend Chapter 7, Article XI, of the Code of Ordinances of Shelby County, Tennessee, relative to security alarm services. Sponsored by Commission Sidney Chism.](#)

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

RITZ

Vice-Chairman, Budget
and Finance
Committee

5. Resolution to approve the purchase of internet and broadband services from XO Communications, Inc. and Zayo Managed Services, providing for vendor diversity and increased bandwidth for an annual amount of \$79,500.00 for FY2010-2011, and to approve future year payments per the terms of the 5 year contract, subject to annual approval of budgeted funds by the Shelby County Board of Commissioners. This item requires expenditure of Operation and Maintenance Budget Funds in the amount of \$79,500.00 from Account 962-201501-6750. Sponsored by Commissioner J.W.Gibson.

RITZ

Vice-Chairman, Budget
and Finance
Committee

6. A resolution approving an amendment in the amount of \$170,537.80 with Casto Information Management Systems, Inc. (CIMS), for maintenance and support of hardware and software for the County's document management system and this item requires expenditure of County General Funds in the amount of \$170,537.80. Sponsored by Commissioner J. W. Gibson, II. (WITHDRAWN IN COMMITTEE 7/8/09)

RITZ

Vice-Chairman, Budget
and Finance
Committee

7. A resolution approving an amendment between CIMS Global Technology Solutions, Inc. and Shelby County Government, Information Technology Department, for document management consulting services and software and hardware purchases, and to appropriate General Funds in the amount of \$185,000.00. Sponsored by Commissioner J.W. Gibson II. (WITHDRAWN IN COMMITTEE 7/8/09)

RITZ

Vice-Chairman, Budget
and Finance
Committee

8. Resolution to establish reasonable utilization standards and reporting requirements for all elected and appointed County officials for the purpose of monitoring expenditures with locally owned small businesses. Sponsored by Commissioner J.W. Gibson.

CHISM

Chairman, Law
Enforcement
Committee

9. Resolution to approve a contract extension with Casto Information Management Systems, Inc., for integrated document management system for the Criminal Court Clerk. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

10. Resolution approving contract with Professional Collection Network for the provisions of collection agency services for the General Sessions Court Clerk to be paid on a percentage of collections basis. Sponsored by Commissioner Sidney Chism. (AMENDED IN COMMITTEE 7/8/09)

CHISM

Chairman, Law
Enforcement
Committee

11. Resolution approving contract with Mutual Collections for the provisions of collection agency services for the General Sessions Court Clerk to be paid on a percentage of collections basis. Sponsored by Commissioner Sidney Chism. (AMENDED IN COMMITTEE 7/8/09)

RITZ

Chairman, Land Use
Committee

12. A Resolution approving a contract renewal in the amount of \$194,691.50 with Pictometry, Inc. for aerial photography and software licensing for FY 2010 and \$194,242.50 for FY 2011 and this item requires expenditure of Enterprise Funds from the FY 2010-2011 Division of Planning and Development REGIS Budget in the amount of \$194,691.50. This Resolution is sponsored by Commissioner Mike Ritz.

HARVEY

Chairman, Economic
Development
Committee

13. Resolution declaring the intent of the Shelby County Board of Commissioners to donate the County's interest in the Mid-South Coliseum Arena and the Liberty Bowl real property to the City of Memphis without monetary consideration; requesting the County Mayor's administration seek to facilitate said donation; and authorizing the County Mayor to execute quit claim deeds and other necessary documents. Sponsored by Commissioner Mike Ritz. (DEFERRED TO 8/17/09)

FLINN

Chairman, Community
Services Committee

14. A Resolution to amend the FY 2010 Operating Budget for the Community Services Agency Weatherization Assistance Program (WAP) funded by the American Recovery and Reinvestment Act of 2009 (ARRA) increasing grant funds in the amount of \$11,508,426.00. This item requires expenditure of Recovery Act grant funds in the amount of \$11,508,426.00. Sponsored by Commissioner George Flinn.

FLINN

Chairman, Community
Services Committee

15. A Resolution to amend the FY 2010 Operating Budget to establish Operating Fund Number 576 for a new Community Services Block Grant Program funded by the American Recovery and Reinvestment Act of 2009 through the Tennessee Department of Human Services for the period of June 6, 2009 through September 30, 2010. This item requires expenditure of Recovery Act grant funds in the amount of \$3,007,267.00. Sponsored by Commissioner George Flinn.

FLINN

Chairman, Community
Services Committee

16. A resolution approving a contract in the amount of \$406,000.00 with Meritan, Inc. to provide homemaker, personal care and adult care/sitter services as authorized to eligible consumers in Shelby, Lauderdale, Fayette, and Tipton Counties. This item requires expenditure of State Grant Funds in the amount of \$201,000 and Federal Grant Funds in the amount of \$205,000. Sponsored by Commissioner George Flinn.

FLINN

Chairman, Community
Services Committee

17. A resolution approving a contract in the amount of \$2,446,284 with Metropolitan Inter-Faith Association for the provision of services for transportation, congregate meals, home-delivered meals, nutrition education and counseling and home modifications to eligible consumers in Shelby, Lauderdale, Fayette, and Tipton Counties. This item requires expenditure of State Grant Funds in the amount of \$229,280 and Federal Grant Funds in the amount of \$2,217,004. Sponsored by Commissioner George Flinn.

FLINN

Chairman, Community
Services Committee

18. A resolution approving a contract in the amount of \$107,163 with Metropolitan Inter-Faith Association for the provision of Ombudsman services for residents of long-term facilities, including complaint resolution. This item requires expenditure of Federal Grant Funds in the total amount of \$107,163.00. Sponsored by Commissioner George Flinn.

FLINN

Chairman, Community
Services Committee

19. Resolution to amend the FY 2010 Operating Budget to appropriate grant funds from the Tennessee Office of Criminal Justice Programs in the amount of \$114,220.00 for the Shelby County Crime Victims Center. This item requires expenditure of Recovery Act State Grant Funds in the amount of \$114,220.00. Sponsored by Commissioner George Flinn.

FLINN

Chairman, Community
Services Committee

20. Resolution to amend the FY 2010 Operating Budget to appropriate additional grant funds from the Tennessee Office of Criminal Justice Programs in the amount of \$79,484.00 for the Shelby County Crime Victims Center. This item requires expenditure of State Grant Funds in the amount of \$55,600 and County Matching Funds in the amount of \$23,884.00 per year. Sponsored by Commissioner George Flinn. (AMENDED IN COMMITTEE 7/8/09)

FORD

Chairman, General
Government
Committee

21. Resolution setting Wednesday, July 29, 2009 as the date for interviewing, and Monday, August 3, 2009 for appointing, a Judicial Commissioner to a newly created position and authorizing a public notice. Sponsored by Commissioner Joe Ford.

FORD

Chairman, General
Government
Committee

22. Resolution to amend a Resolution adopted as Item No. 27(A) on January 8, 2007 entitled "Resolution requesting that any nomination by the county mayor's office for a member of a Shelby County board, authority or commission position adequately reflect the ethnic diversity of the Shelby County community" so as to include all divisions and/or subdivisions of county boards, authorities, and commissions. Sponsored by Commissioner Henri E. Brooks. (DEFERRED TO 8/3/09)

KUHN

Chairman, Delinquent
Tax Property
Committee

23. Resolution approving the sale of thirteen (13) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 51, 85.2, 96.1, 97.1, 99.01, 0101, 0102, 0103, 0205 And 0405, to identified purchasers at various prices collectively totaling \$22,750.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner Matt Kuhn.

REGULAR AGENDA**Elections, Appointments, and Confirmations****FORD**

Chairman, General
Government
Committee

24. Resolution electing the Chairman of the Board of County Commissioners of Shelby County, Tennessee for a term of one year, pursuant to Shelby County Charter, Article II, Section 2.08. Sponsored by Commissioner Joe Ford.

FORD

Chairman, General
Government
Committee

25. Resolution electing the Chairman Pro Tempore of the Board of County Commissioners of Shelby County, Tennessee for a term of one year, pursuant to Shelby County Charter, Article II, Section 2.08. Sponsored by Commissioner Joe Ford.

FORD

Chairman, General
Government
Committee

26. Resolution approving the County Mayor's nomination of Lawrence Jensen, Julie Raines, Carol Jones, Kevin Kane, Johnnie Turner, David Peck, and Representative Larry Miller for joint City-County reappointment to the New Memphis Arena Public Building Authority of Memphis and Shelby County, Tennessee. Sponsored by Commissioner Joe Ford.

FORD

Chairman, General
Government
Committee

27. Resolution approving the County Mayor's nomination of Pete Aviotti, William Orgel, and Diane Cox for joint City-County reappointment to the New Memphis Arena Public Building Authority of Memphis and Shelby County, Tennessee. Sponsored by Commissioner Joe Ford.

Ordinances

RITZ

Vice-Chairman, Budget
and Finance
Committee

28. [ORDINANCE - THIRD READING - Ordinance fixing the tax rate for Shelby County for the year 2009. Sponsored by Commissioner J. W. Gibson.](#)

RITZ

Chairman, Land Use
Committee

29. [ORDINANCE - THIRD READING - An Ordinance amending Ordinance No. 344, relative to the method of appealing an adverse decision of the Shelby County Adult-Oriented Establishment Registration Board. Sponsored by Commissioner Steve Mulroy](#)

Zoning and Subdivisions

RITZ

Chairman, Land Use
Committee

30. [CASE NO. S.U.P. 09-206 CC](#)
APPLICANT: Tower Ventures, V, LLC
LOCATION: North side of Bolen Huse Road; +/-840 feet west of Coleman Road
REQUEST: Special use permit to allow a cell tower one hundred ninety-five (195') feet in height with the ability to support six (6) sets of antennae arrays.
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and Development:
APPROVAL WITH CONDITIONS
Memphis and Shelby County Land Use Control Board:
APPROVAL WITH CONDITIONS
(Notice of public hearing published in the Daily News on Thursday, July 2, 2009.)

Reports and/or Resolutions for Standing Committees

BROOKS

Chairman, Education
Committee

31. [Resolution approving the Shelby County Board of Education Operating Budget for Fiscal Year 2010 as adopted by the Shelby County Board of Education. Sponsored by Commissioner Henri Brooks. \(FAILED IN COMMITTEE 7/8/09\)](#)

CARPENTER

Chairman,
Conservation
Committee

32. [Resolution to prohibit handguns while within or on a public park, Wildlife Management Area, Natural Area, Historic Park, Nature Trail, Campground, Forest, Greenway, Waterway or other similar public place owned or operated by Shelby County Government. Sponsored by Commissioner J.W. Gibson and Chairman Deidre Malone. \(AMENDED IN COMMITTEE 7/8/09\)](#)

Announcements/Statements

33. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the County Mayor's nomination of Henry Brenner, Michael Molder III and Sandra Richards for reappointment to the Shelby County Emergency Communications District 911 Board. Sponsored by Commissioner Joe Ford. b) Resolution approving the County Mayor and County Commission Chairman's joint appointment of Danny R. Love to the Shelby County Needs Assessment Committee. Sponsored by Commissioner Joe Ford. c) Resolution approving the County Mayor's nomination of Martin Truitt for reappointment, Luke Yancy, IV and Dana Burkett for appointment, and Brandy Johnson-Ward for joint City-County appointment to the Memphis and Shelby County Center City Revenue Finance Corporation. Sponsored by Commissioner Joe Ford.

Adjournment

34. Resolution of adjournment to Monday, August 3, 2009 at 1:30 p.m.